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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/507,161	09/09/2004	Yasusumi Tanaka	57822-20001.00	4117
25227 7590 12/10/2007 MORRISON & FOERSTER LLP 1650 TYSONS BOULEVARD SUITE 400 MCLEAN, VA 22102			EXAMINER O HERN, BRENT T	
			ART UNIT 1794	PAPER NUMBER
			MAIL DATE 12/10/2007	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

# Office Action Summary

Application No.

10/507,161

Applicant(s)

TANAKA, YASUSUMI

Examiner

Brent T. O'Hern

Art Unit

1794

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 5 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 30-47, 50 and 51 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 30-47, 50 and 51 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## **DETAILED ACTION**

### ***Withdrawn Final Rejection***

1. Applicant's request for reconsideration of the finality of the rejection of the Office action mailed 12 December 2006 is persuasive and, therefore, the finality of that action is withdrawn.

### ***Claims***

2. Claims 30-47 and 50-51 are pending with claims 1-29 and 48-49 cancelled.

## **WITHDRAWN REJECTIONS**

3. The 35 U.S.C. 102 rejections of claims 30-36, 39-45 and 50-51 as being anticipated by Newman (US 6,722,502) of record in the Office Action mailed 19 December 2006, page 2, paragraph 5, has been withdrawn due to Applicant's arguments in the Paper filed 5 November 2007.

4. The 35 U.S.C. 103(a) rejection of claims 37-38 and 46-47 as being as being unpatentable over Newman (US 6,722,502) of record in the Office Action mailed 19 December 2006, page 10, paragraph 7, has been withdrawn due to Applicant's arguments in the Paper filed 5 November 2007.

## **NEW REJECTIONS**

### ***Claim Rejections - 35 USC § 103***

5. Claims 30-47 and 50-51 are rejected under 35 U.S.C. 102(e) as anticipated by or, in the alternative, under 35 U.S.C. 103(a) as obvious over Newman (US 6,722,502).

Regarding claim 30, Newman ('502) teaches a packing material (*See col. 1, ll. 5-7 and FIG-1, #100.*), comprising a first inflatable triangular wall; a second inflatable triangular wall (*See FIG-1, top/bottom triangular wall #102. Furthermore, see FIGs 2-3*

wherein two triangular walls are provided when the packaging material is placed over the corner of the object #204 as illustrated in FIGs 2 and 3. Additionally, the object #204 and the box sandwich the packaging material in FIG-3, providing for two triangular walls.);

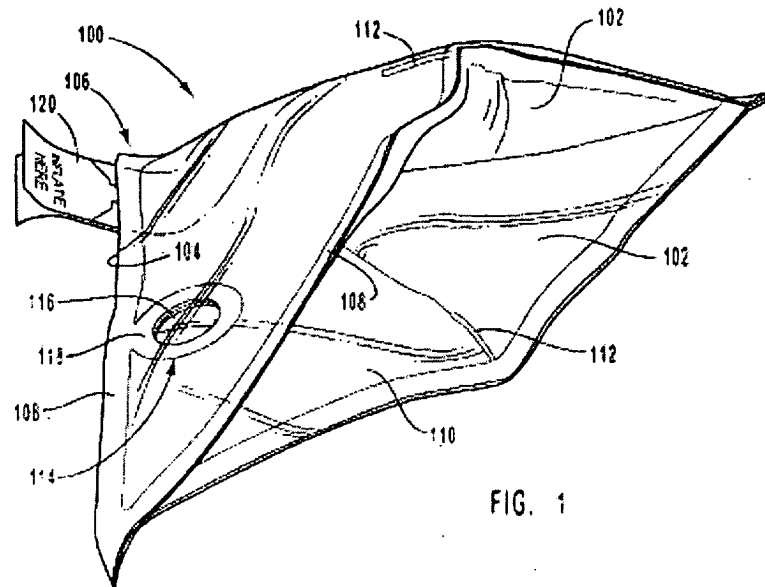


FIG. 1

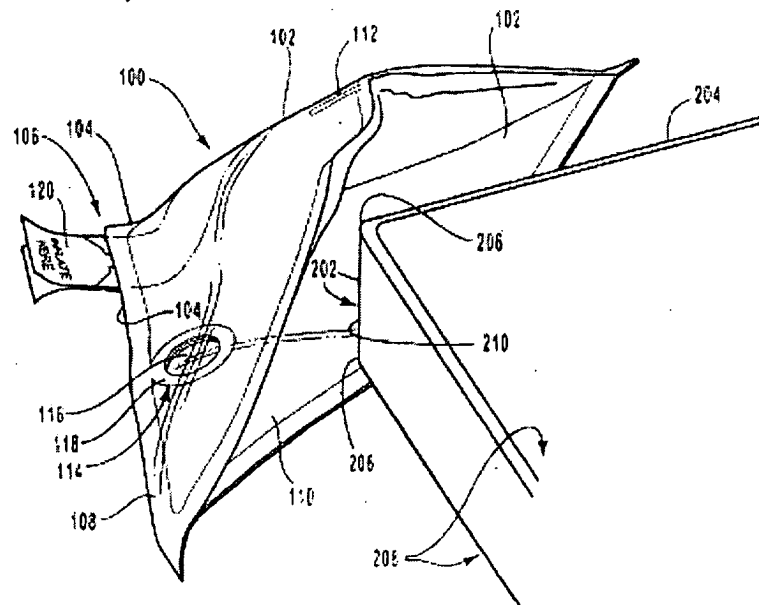


FIG. 2

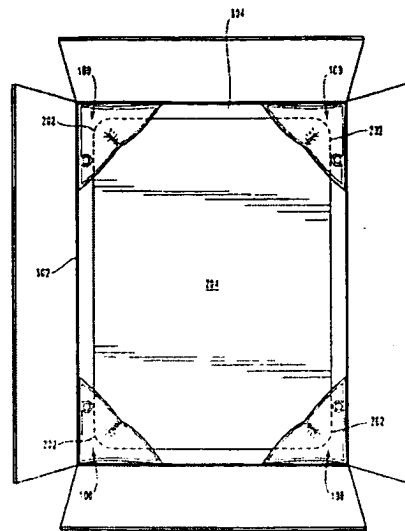


FIG. 3

a first rectangular side wall; and a second rectangular side wall (See FIGs 2-3 wherein two rectangular walls are provided when the packaging material is placed over the inflatable corner of the object #204 as illustrated in FIGs 2 and 3. Additionally, the object #204 and the box sandwich the packaging material in FIG-3, providing for two rectangular walls.) and a valve configured to inflate the first and second triangular walls and the first and second rectangular side walls (See FIGs 1-2, valve #120 and col.5, ll. 6-14 wherein one or more valve can clearly be applied to fill one or more walls.),

wherein the first rectangular side wall connects a first side of the first triangular wall and a first side of the second triangular side wall (See FIGs 2-3, wherein the 1<sup>st</sup> sides of the triangles are connected by the 1<sup>st</sup> rectangular side wall.), the second rectangular side wall connects a second side of the first triangular wall and a second side of the second triangular wall (See FIGs 2-3, wherein the 2<sup>nd</sup> sides of the triangles are connected by the 2<sup>nd</sup> rectangular side wall.),

and a third side of the first triangular wall and a third side of the second triangular wall are not connected to the first or second rectangular side wall so that an opening is created along the third sides of the first and second triangular walls (*See FIG-2 wherein the 3<sup>rd</sup> sides of the triangles are not connected, thus allowing #100 to slide over #204.*) and the first side of the first triangular wall has the same length as the second side of the first triangular wall, and the first side of the second triangular wall has the same length as the second side of the second triangular wall (*See FIGs 2-3 wherein the 1<sup>st</sup> and 2<sup>nd</sup> sides of the 1<sup>st</sup> and 2<sup>nd</sup> triangles are of the same length.*).

The phrase "formed by holding a gas bag" in claims 30, 39, 50 and 51, line 1 of each claim are **process limitations** in product claims and hence not given any patentable weight since patentability of a product does not depend on its method of production (*see MPEP § 2173.05(p)*).

Regarding claim 31, Newman ('502) teaches a material further comprising a partition separating a portion of the gas bag from another portion of the gas bag (*See FIG-1, partition #112 and the partitions at the edge of the packaging material.*).

Regarding claim 32, Newman ('502) teaches a material wherein the partition comprises a film adhered to an inside wall of the gas bag (*See FIG-5, wherein #112 is adhered to the inside of #100.*).

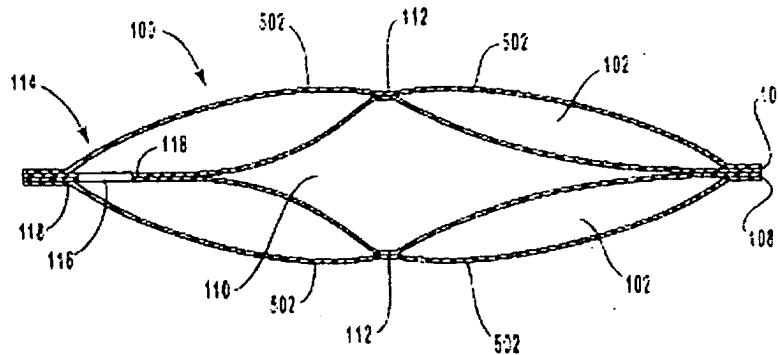


FIG. 5

Regarding claim 33, Newman ('502) teaches a material further comprising a set of vertical partitions so that the gas bag is divided into a plurality of sub bags with respect to a plane parallel to a primary plane of the air bag, wherein each of the vertical partitions comprises a film (See col. 5, ll. 15-24 and FIGs 3 and 5 multiple #100 with multiple sub bags #102.).

Regarding claims 34-36, Newman ('502) teaches a material further comprising a horizontal partition so that the gas bag is divided into a plurality of sub bags with respect to a plane normal to the primary plane, and another set of the vertical partitions, wherein the set of vertical partitions and the another set of the vertical partitions are disposed on opposite sides of the horizontal partition (See col. 5, ll. 15-24 and FIGs 3 and 5 multiple #100 with multiple sub bags #102 having partitions #112.).

Regarding claims 37 and 46, Newman ('502) teaches the material discussed above, however, fails to expressly disclose wherein a sub bag above the horizontal partition is narrower than a sub bag below the horizontal partition so that a step structure is formed on a surface of the air bag.

However, Newman ('502) teaches a bag with sub bags used to protect articles with various sizes and features, thus it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to vary the dimensions of the bag or covering of the object by the bag so as to form a step structure for the purpose of protecting articles with various sizes and features (*See col. 5, ll. 15-24 and 49-51.*).

Regarding claims 38 and 47, Newman ('502) teaches the material discussed above, however, fails to expressly disclose wherein a sub air bag in the first triangular (triangular bottom) wall located adjacent the third side of the first triangular wall (a side of the triangular bottom wall opposite from the apex) is shorter than a sub bag in the first triangular (triangular bottom) wall located away from the third side of the first triangular wall (triangular bottom).

However, Newman ('502) teaches a bag with sub bags used to protect articles with various sizes and features, thus it would have been obvious to one of ordinary skill in the art at the time Applicant's invention was made to vary the dimensions of the bag for purpose of protecting articles with various sizes and features (*See col. 5, ll. 15-24 and 49-51.*).

Regarding claim 39, Newman ('502) teaches a material adapted to cover a corner portion of an object, comprising

a bottom inflatable wall that is triangular or rectangular (*See FIGs 1-3, #100 with bottom wall #102 over #204. Furthermore, see FIGs 2-3 wherein two triangular walls are present when the packaging material is placed over the inflatable corner of the object #204 as illustrated in FIGs 2 and 3. Additionally, the object #204 and the box sandwich the packaging material in FIG-3, providing for two triangular walls.*);



a first inflatable side wall that stands on a first side of the bottom wall; and a second inflatable side wall that stands on a second side of the bottom wall (*See FIGs 2-3 wherein two rectangular walls are present when the packaging material is placed over the inflatable corner of the object #204 as illustrated in FIGs 2 and 3. Additionally, the object #204 and the box sandwich the packaging material in FIG-3, providing for two rectangular walls.*), and a valve configured to inflate the bottom wall and the first and second side wall (*See FIGs 1-3, valve #120 and col.5, ll. 6-14 wherein one or more valve can clearly be applied to fill one or more chambers depending on the article to be protected and routine optimization of a person having ordinary skill in the art.*),

wherein an apex formed by the bottom wall and the first and second side walls is configured to cover the corner portion of an object (*See FIGs 2-3, #100 over #204.*).

Regarding claim 40, Newman ('502) teaches a material further comprising a partition separating a portion of the gas bag from another portion of the gas bag (*See col. 5, ll. 15-24 and FIGs 2-3 multiple #100 with partition #112 partitioning the bags.*).

Regarding claim 41, Newman ('502) teaches a material wherein the partition comprises a film adhered to an inside wall of the gas bag (*See col. 5, ll. 15-24 and FIGs 2-3 wherein the partitions are adhered to the inside wall of the bag.*).

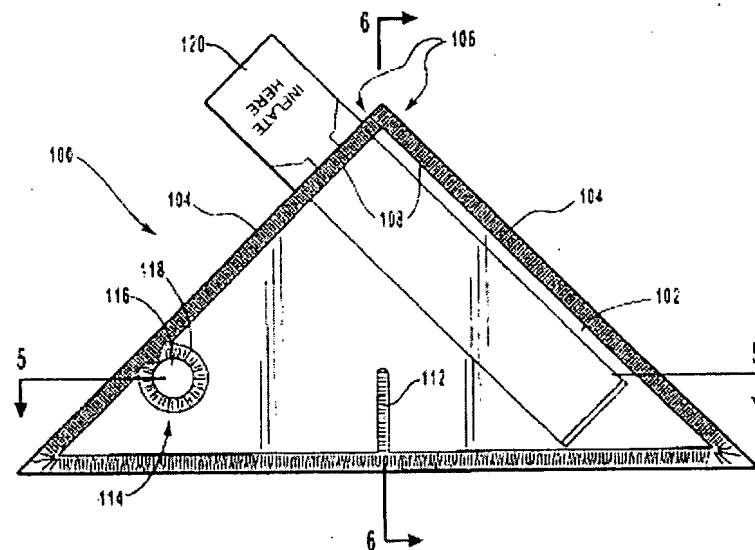
Regarding claim 42, Newman ('502) teaches a material further comprising a set of vertical partitions so that the gas bag is divided into a plurality of sub bags with respect to a plane parallel to a primary plane of the air bag, wherein each of the vertical partitions comprises a film (*See col. 5, ll. 15-24 and FIGs 5 and 3 wherein the film areas vertically and horizontally partition the bag with respect to a plane of the bag.*).

Regarding claims 43-45, Newman ('502) teaches a material further comprising a horizontal partition so that the gas bag is divided into a plurality of sub bags with respect to a plane normal to the primary plane, and another set of the vertical partitions, wherein the set of vertical partitions and the another set of the vertical partitions are disposed on opposite sides of the horizontal partition (*See col. 5, ll. 15-24 and FIGs 5 and 3 wherein the horizontal partitions, divide the bag with respect to the plane normal to the primary plane and the vertical partitions are situated on the rectangular sides and top and bottom surfaces.*).

Regarding claim 50, Newman ('502) teaches a packing material (*See col. 1, ll. 5-7 and FIG-1, #100.*), comprising:

a first triangular wall; a second triangular wall (*See FIG-1, top/bottom triangular wall #102. Furthermore, see FIGs 2-3 wherein two triangular walls are present when the packaging material is placed over the inflatable corner of the object #204 as illustrated in FIGs 2 and 3. Additionally, the object #204 and the box sandwich the packaging material in FIG-3, providing for two triangular walls.*); a first rectangular side wall; and a second rectangular side wall (*See FIGs 2-3 wherein two rectangular walls are present when the packaging material is placed over the inflatable corner of the object #204 as illustrated in FIGs 2 and 3. Additionally, the object #204 and the box sandwich the packaging material in FIG-3, providing for two rectangular walls.*), wherein the first rectangular side wall connects a first side of the first triangular wall and a first side of the second triangular side wall (*See FIGs 2-3 wherein the 1<sup>st</sup> sides of the triangles are connected by the 1<sup>st</sup> rectangular side wall.*), the second rectangular side wall connects a second side of the first triangular wall and a second side of the second

triangular wall (See FIGs 2-3 wherein the 2<sup>nd</sup> sides of the triangles are connected by the 2<sup>nd</sup> rectangular side wall.), a third side of the first triangular wall and a third side of the second triangular wall are not connected to the first or second rectangular side wall so that an opening is created along the third sides of the first and second triangular walls (See FIG-2 wherein the 3<sup>rd</sup> sides of the triangles are not connected, thus allowing #100 to slide over #204.), and the first triangular wall comprises a first sub bag (See FIG-5, sub bag #102 at right.), a second sub bag disposed on the first sub bag and a horizontal partition separating the first and second sub bags (See FIGs 5 and 4 with left second sub bag #102 on the first sub bag with horizontal partition #112 at the left and second bottom sub bag #102 on the first sub bag with horizontal partitions separating the bags.).



Regarding claim 51, Newman ('502) teaches a packing material and adapted to cover a corner portion of an object (See col. 1, ll. 5-7 and FIG-2, #100 over #204.), comprising:

a bottom wall that is triangular (See FIG-1, top/bottom triangular wall #102. Furthermore, see FIGs 2-3 wherein two triangular walls are present when the packaging material is placed over the inflatable corner of the object #204 as illustrated in FIGs 2 and 3. Additionally, the object #204 and the box sandwich the packaging material in FIG-3, providing for two triangular walls.); a first side wall that stands on a first side of the bottom wall; and a second side wall that stands on a second side of the bottom wall (See FIGs 2-3 wherein two rectangular walls are present when the packaging material is placed over the inflatable corner of the object #204 as illustrated in FIGs 2 and 3. Additionally, the object #204 and the box sandwich the packaging material in FIG-3, providing for two rectangular walls.), wherein an apex formed by the bottom wall and the first and second side walls is configured to cover the corner portion of an object (See FIG-2, wherein the apex is formed at the inner corner of the bag and covers #204.), and the bottom wall comprises a first sub bag (See FIGs 1-3 and 5, various sub bags.), a second sub bag disposed on the first sub bag and a horizontal partition separating the first and second sub bags (See FIGs 1- 5, various sub bags such as the left second sub bag #102 on the first sub bag with horizontal partition #112 at the left and second bottom sub bag #102 on the first sub bag with horizontal partitions separating the bags.).

#### **ANSWERS TO APPLICANT'S ARGUMENTS**

6. In response to Applicant's arguments (pp. 6-15 of Applicant's Paper filed 5 November 2007) it is noted that all previous rejections have been withdrawn and an explanation of the new grounds of rejection is discussed above.


It is noted after further consideration that Newman's (US 6,722,502) teachings are not limited to just a configuration without being applied to an object but also include a structure as applied to an object as illustrated in FIGs 2 and 3 and discussed above.

**Conclusion**


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brent T. O'Hern whose telephone number is (571) 272-0496. The examiner can normally be reached on Monday -Thursday, 9:00-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Terrel Morris can be reached on (571) 272-0996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

  
Brent T O'Hern  
Examiner  
Art Unit 1794  
December 5, 2007

  
NASSER AHMAD  
PRIMARY EXAMINER 12/6/07

  
RENA DYE  
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